

# 2010 Regular Session Information Bulletin - Senate

1/21/10

(1) Subject matter - General in nature.	Prohibited Items - No measure levying or authorizing a new <i>state</i> tax by the state or by any statewide political subdivision whose boundaries are coterminous with the state; increasing an existing <i>state</i> tax by the state or by any statewide political subdivision whose boundaries are coterminous with the state; or legislating with regard to <i>state</i> tax exemptions, exclusions, deductions or credits shall be introduced or enacted during a regular session held in an even-numbered year. <i>Const. Art. III, §2(A)(3)(b)</i>
(2) <b>February 25, 2010; Thursday</b> <b>February 26, 2010; Friday</b>	Last two publication dates for bills requiring advertisement if you wish <u>to prefile and introduce on the first day of the regular session</u> - Monday, March 29, 2010.
(3) <b>March 18, 2010, Thursday</b>	<b>Deadline to prefile Constitutional Amendments.</b> House computes in hours and accepts prefiling until noon, Friday, March 19, 2010. Must be requested no later than 48 hrs prior to prefile deadline. See Note 1. (Const. Art. XIII, Sec. 1(A))
(4) <b>March 19, 2010; Friday; 5:00 P.M.</b>	<b>Deadline to prefile Bills.</b> Each member is limited to introducing five bills after 5:00 PM deadline. (Const. Art. III, Sec. 2(A)(2))
(5) <b>March 19, 2010; Friday</b> <b>March 20, 2010; Saturday</b>	Last two publication dates for bills requiring advertisement if you wish <u>to introduce the bill on the last day for introduction of bills</u> - Tuesday, April 20, 2010.
(6) <b>March 29, 2010; Noon</b> Length of session	<b>Session Begins</b> 60 legislative days during 85 calendar-day period (Const. Art. III, Sec. 2(A)(3)(a))
(7) <b>April 20, 2010, Tuesday; 6:00 P.M.</b>	<b>Last day for introduction of bills after session begins</b> (limit of five bills per legislator after prefile deadline). <i>Senate Rule 7.6(K) requires that requests for bills to be introduced on last day for introduction be received by Senate Legislative Services no later than 6:00 PM on the day prior to the last day for introduction. See Note 2(b)</i> (Const. Art. III, Sec. 2(A)(3)(a)) See Joint Rule No. 18 for exceptions.
(8) <b>June 18, 2010 - Constitutional Limitation on Third Reading and Final Passage.</b>	No matter intended to have the effect of law, except a measure proposing a suspension of law, shall be considered on THIRD READING AND FINAL PASSAGE in either house after 6:00 P.M. of the <u>57<sup>th</sup> legislative day</u> or the <u>82<sup>nd</sup> calendar day</u> of a regular session, <u>except by a favorable record vote of two-thirds</u> of the elected members of each house. (Const. Art. III, §2(A)(3)(a))
(9) <b>June, 21, 2010; Monday; 6:00 P.M.</b>	<b>Adjournment Sine Die</b> - no later than 6:00 P.M. (Const. Art. III, Sec. 2(A)(3)(a))
(10) <b>August 15, 2010</b>	Effective Date of Acts (statutes, codes, & general acts) unless bill specifically provides otherwise. (Const. Art. III, Sec. 19)  Constitutional amendment takes effect 20 days after the governor's proclamation of election results adopting the amendment unless a different date is specifically specified.

**2010 Regular Session**  
**Requirements for Legislative Instruments**

- 1. Constitutional Amendments - Prefiling Required.** (Const. Art. XIII, Sec. 1(A))
  - (a) Prefiling of amendments required at least ten days before the regular session begins - Thursday, March 18, 2010. *Senate Rule 9.1(C) requires that REQUEST for constitutional amendment be made to Senate Legislative Services no later than 48 hours prior to prefile deadline.*
  - (b) House of Representatives computes this ten-day period in 24-hour increments and will accept prefiling of constitutional amendments until Noon on Friday, March 19, 2010. *House Rule 7.2(F) requires that REQUEST for constitutional amendment be made to House Legislative Services no later than 48 hours prior to prefile deadline.*
- 2. Bills, other than Constitutional Amendments.** (Const. Art. III, Sec. 2(A)(2))

***Unlimited number of bills can be prefiled.***

  - (a) **PREFILE DEADLINE:** Friday, March 19, 2010; 5:00 P.M.  
Bills (which are not constitutional amendments) are required to be prefiled no later than 5:00 P.M. on tenth calendar day - Friday, March 19, 2010 - before the start of the regular session. *Bills must be REQUESTED (received by Senate Legislative Services or House Legislative Services) no later than 48 hours prior to the prefiling deadline (Senate Rule 9.1(C) and House Rule 7.2(F)).*
  - (b) Deadline to introduce *bills* that were *not prefiled* is 6:00 P.M., Tuesday, April 20, 2010. No member may introduce more than five bills after prefile deadline except as provided in Joint Rule No. 18. (Const. Art. III, Sec. 2(A)(3)(a)). *Senate Rule 7.6(K) requires that REQUESTS for bills to be introduced on last day for introduction be received by Senate Legislative Services no later than 6:00 PM on the day prior to the last day for introduction.*
  - (c) **RETIREMENT AND LOCAL NOTICE BILLS:**  
General Rule - Notice to be published on two separate days in official journal of locality without cost to the state with the last publication date being at least thirty days prior to introduction of the bill. If an instrument is prefiled, the date of introduction is the first day of the session. Notice must state the substance of the bill and the bill itself must recite that notice was published.  
  
If instructed by the requesting Senator, staff will prepare and send the notice to the local newspaper, instruct the newspaper to bill the publication costs per instructions from the Senator, and ask that the newspaper send a certification of publication to the Senate Office once the notice is published.  
  
If the local notice is being handled by the requesting Senator, then the certificate of publication should be obtained from newspaper by that Senator and transmitted to the Senate Office for attachment to the bill.

**IMPORTANT NOTE:** *Publication dates listed are based on official journals that are published on a "daily" basis. If your locality has an official journal that is published*

*"weekly" then the deadlines for publication should be adjusted accordingly.*

*Some newspapers require submission of an item to the newspaper a number of days in advance of the actual publication date - you should be aware of these time lines.*

*If the retirement bill affects only a city or other strictly local retirement system, then a "local notice" is also necessary in the official journal of the locality.*

(i) **Local Bills** - Const. Art. III, Sec. 13.

(ii) **Retirement Bills** - Const. Art. X, Sec 29(C).

Retirement notice to be published in Baton Rouge's *The Advocate* (the official state journal) on two separate days without cost to the state with the last publication date being at least thirty days prior to introduction of the bill.

Due to publication dates of *The Advocate*, notice must be submitted three working days before the first publication date.

Dual Publication - if affects **only** a city or strictly local system, then publication required in both local and state official journals.

(iii) **Assessor's Expense Allowance Notice** - R.S. 47:1908(D).

No change in an assessor's expense allowance unless the assessor sends notice of intent to the school board and parish governing authority that are affected stating the amount of the change.

Notice to be sent by certified mail at least ten days prior to convening of the legislative session - last day to give this notice is Thursday, March 18, 2010. Evidence of notice to be exhibited to the legislature before passage of the bill and the bill must recite that notice was given.

(iv) **Assessor's Salary or Other Emolument Notice** - R.S. 47:1907.1.

**Sheriff's Compensation Notice** - R.S. 33:1421(E).

**School Board Member's Compensation Notice** - R.S. 17:56(D).

**Registrar of Voters, Chief Deputy Registrar, and Confidential Assistant Compensation Notice** - R.S. 18:55(B) and 59(D).

No change in compensation unless notice published on two separate days in official journal of locality without cost to the state with the last publication date being at least thirty days prior to introduction of the bill.

If **all** assessors, sheriffs, or school board members in the state are affected, then notice shall *also* be published in the official journal of the state on two separate days without cost to the state - Baton Rouge's *The Advocate*.

Each notice is to state the amount of the change and certification of publication is to be attached to the bill.

**3. Pre-Session Filing of Bills & Resolutions.**

All legislative instruments are to be prepared by legislative staff. (Senate Rule 7.6)  
Staff will draft, or receive, and transmit legislative instruments to Senate Secretary for pre-filing, upon WRITTEN direction of author.

**4. Fiscal Notes.**

Every bill, joint resolution, and simple or concurrent resolution affecting the receipt, expenditure, or allocation of funds of the state or of a political subdivision, or which would authorize issuance of general obligation bonds or other general obligations of the state for capital outlay, must have attached to it, prior to committee consideration, a fiscal note giving a reliable estimate of the fiscal effect of the measure.

Author of bill is responsible for obtaining fiscal note from legislative fiscal officer, either directly or through the staff. (Joint Rule No. 4)

Additionally, every bill, joint resolution, and simple or concurrent resolution, and every amendment thereto, which appropriates monies for capital outlay purposed must have attached to it, prior to consideration, a fiscal note with the worksheet of each fiscal note to include a feasibility study and needs assessment (Senate Rule No. 7.14). If directed by the Senator, Senate Documents and Records will order a fiscal note.

**5. Actuarial Notes.**

Every bill, joint resolution, and simple or concurrent resolution proposing a change in the law as to any state, municipal, or parochial retirement system funded in whole or part from public funds must have an actuarial note attached to it prior to committee consideration.

Legislative auditor prepares actuarial notes (R.S. 24:521). If directed by the Senator, Senate Documents and Records will order an actuarial note.

**6. Appropriations to Pay Judgments Against State.**

The House Appropriations Committee requires a certified copy of final judgment and proof of finality of judgement before committee action on any such bill. The House Appropriations Committee, pursuant to House Resolution No. 15 of the 1987 Regular Session requires that the Clerk of the House be furnished with the attorney's name or names in the suit, the fees involved, and other pertinent information prior to consideration of the bill for final passage.

## **7. Miscellaneous Requirements Regarding Statutory Enactments.**

### *(a) New Judgeships.*

R.S. 13:61 - Judicial Council of the Supreme Court of Louisiana determines necessity of creating any new judgeship and provides information to appropriate legislative standing committee as to the necessity of creating a new judgeship.

*Requests for new judgeships should be submitted to the Judicial Council by **October 1<sup>st</sup>, 5:00 P.M.***

### *(b) New court cost or fee or increase in existing court cost or fee.*

R.S. 13:62 - No enactment of a law providing for a new court cost or fee or to increase an existing court cost or fee unless first submitted to the Judicial Council of the Supreme Court for review and recommendation to the legislature.

*Requests involving court costs should be submitted to the Judicial Council by **October 1<sup>st</sup>, 5:00 P.M.***

### *(c) New Assistant District Attorneys.*

R.S. 16:54 - creates the Governor's Advisory and Review Commission on Assistant District Attorneys within the office of the governor. Determines necessity for additional assistant district attorneys in each judicial district and prohibits payment of state portion of compensation for such position unless approved by the commission.

### *(d) Mandated Health Insurance Benefits.*

R.S. 24:603.1 - Prior to consideration by legislative committee, an impact report is to be attached to any instrument imposing a health insurance mandate. Impact report to include reliable estimate of the negative or positive fiscal effect of such measure, including costs and savings.